



Department of Commerce

HB 1257 Pre-rulemaking

STANDARD 100 DRAFT MODIFICATIONS

ANNEX Z PART 2 & ANNEX X

Buildings Standards and Performance Team

6/17/2020

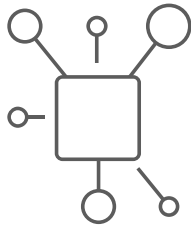




We strengthen communities



HOUSING / HOMELESSNESS



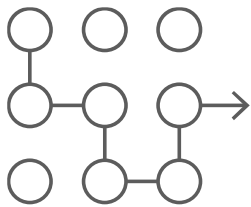
INFRASTRUCTURE



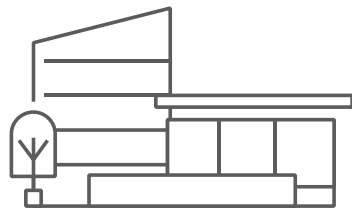
BUSINESS ASSISTANCE



ENERGY



PLANNING



COMMUNITY FACILITIES



CRIME VICTIMS / SAFETY



COMMUNITY SERVICE



Agenda

- **Annex Z, Washington State Reporting Requirements**
 - Documentation of a building of historic significance
 - Notice of Violation of Non-Compliance
 - Administrative Penalties
 - Mitigation Plan
 - Appeals
- **Annex X: Building Investment Criteria**
- **Questions and Announcements**

Disclaimer: Any comments we make today about specific rules are subject to change through the rulemaking process.

Documentation of a building of historic significance

Energy efficiency measure exemptions for historic buildings.

No individual energy efficiency measure identified by energy efficiency audits need be implemented if it would compromise the historical integrity of a building or part of a building. Buildings owners seeking this exception shall provide the following documentation. Certified historic buildings are not exempt from the other requirements of this standard.





Documentation of a building of historic significance

Plan for Compliance. The owner of a qualifying historic building shall have the plan for compliance with RCW 19.27A.210 evaluated by a qualified historic preservationist, as defined in the Code of Federal Regulations, 36 CFR Part 61, identifying any energy efficiency requirement that may compromise the historic integrity of the building or part of the building. Any element of the plan identified to compromise the historic integrity of the building or part of the building shall be omitted from the compliance plan. Evidence of this evaluation must be submitted to the AHJ for approval.



Documentation of a building of historic significance

Examples of existing programs that verify historic property include:

- (A) The National Register of Historic Places;
- (B) The Washington Heritage Register;
- (C) Properties that are identified by the department of archaeology and historic preservation (DAHP) to be eligible for listing in either one of these registers; and
- (D) Properties which are listed in a local register of historic places.
- (E) Or other documentation approved by the AHJ.





Notice of Violation of Non-Compliance

- **Z4.1 Authorization.**
 - Non-Compliance at scheduled reporting date will result in progressive penalties.
- **Z4.2. Notice of Non-Compliance (First Notice)**
 - Failure to respond within 30 calendar days will result in a Notice of Violation.
 - Response may be mitigation
- **Z4.3 Notice of Violation (Second Notice).**
 - Failure to respond within 60 calendar days of the first notice will result in a Notice of Penalty Enforcement.
 - Response may be mitigation
- **Z4.4 Notice of Penalty Enforcement (Final Notice).**
 - Pay the penalty or appeal



Administrative Penalties

- **Z4.5 Administrative Penalties**

- Mitigation plan penalties based on days out of Compliance or Conditional Compliance.
- Pay the Maximum Penalty
- Appeal



Non-Compliance Mitigation

- **Z 4.6 Non Compliance Mitigation Plan**
 - **Mitigate non-compliance to avoid maximum penalty**
 - Full Compliance
 - Conditional Compliance



Appeal Process

- **Z4.7 Administrative Appeals**
 - **Must appeal within 60 days of Notice of Non-Compliance**



Annex X- Investment Criteria

- Commerce previously published a straw draft. This is the public review draft.
- Modifications have been made to reduce audit cost.
 - Level 3 cost analysis and LCCA included in the audit
 - Level 3 project details excluded from the audit
 - Omitted level 3 audit detail cost move to the implementation cost
- Draft fixed variables in the LCCA. Updated at least annually.
- Commerce will publish tools for completing the LCCA, which includes the fixed variables.



Questions?

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Upcoming Events

Date	Event	Location	Time	Topic
June 12	Comment deadline	N/A		Comments for ASHRAE Standard 100, Section 4 draft rule language
June 18	Workshop	Webex	10:00 a.m. to 12:00 p.m.	Targets, normalization and new construction
June 24	Comment deadline	N/A		Comments for additional administrative procedures draft rule language
June 30	Workshop	Webex	1:00 p.m. to 4:00 p.m	Review comments to date on ASHRAE Standard 100
July 2	Comment deadline	N/A		Comments for targets, normalization and new construction
July 14	Comment deadline	N/A		Comments on ASHRAE standard 100

Thank you!

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